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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1014

Introduced by Assembly Member Thurmond
(Coauthor: Assembly Member Bonta)
(Coauthor: Senator Liu)

February 26, 2015

An act to add and repeal Section 48270 of the Education Code, relating to pupils, Article 10 (commencing with Section 33430) to Chapter 3 of Part 20 of Division 2 of Title 2 of, and to repeal Section 33434 of, the Education Code, relating to education finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1014, as amended, Thurmond. ~~Pupils: truancy: Our Children's Success—The Early Intervention Attendance Pilot Grant Program.~~ Education finance: Safe Neighborhoods and Schools Fund: Learning Communities for School Success Program.

Existing law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, among other things, established the Safe Neighborhoods and Schools Fund, a continuously appropriated fund, which is funded by savings that accrue to the state from the

implementation of the act. The act provides that, among other purposes, 25% of the funds shall be disbursed to the State Department of Education to administer a grant program to public agencies aimed at improving outcomes for public school pupils by reducing truancy and supporting pupils who are at risk of dropping out of school or are victims of crime.

This bill would establish the Learning Communities for School Success Program for the purpose of implementing that grant program, subject to an appropriation to the Safe Neighborhoods and Schools Fund in the annual Budget Act or another measure for the purposes of the bill. The bill would specify the administrative duties and responsibilities of the department with respect to the program, including administering grants and coordinating assistance to local educational agencies, as defined. The bill would set forth criteria to guide the department in awarding grants under the program and would specify the purposes for which grant funds may be used. The bill would require the department to submit a final evaluation of the program to the Legislature on or before January 31, 2020.

These provisions would become operative only if SB 527 of the 2015–16 Regular Session is chaptered and becomes operative on or before January 1, 2017.

~~Existing law requires a pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year or tardy or absent for more than a 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof, to be classified as a truant. Existing law requires, upon a pupil's initial classification as a truant, a school district to notify the pupil's parent or guardian of specified information using the most cost-effective method possible.~~

~~This bill would make various findings and declarations regarding truancy. The bill would establish the Our Children's Success—The Early Intervention Attendance Pilot Grant Program under the administration of the State Department of Education. The program would provide grants to applicant public schools, school districts, and county offices of education seeking to resolve the attendance problems of pupils in kindergarten and grades 1 to 3, inclusive. The bill would provide that the above entities maintaining kindergarten or any of grades 1 to 3, inclusive, could apply for grants under the program. The bill would~~

authorize the applications for grants submitted by the above entities to the department to reflect a plan including specified components.

~~The bill would require the department to give priority in awarding grants to those applicants who demonstrate financial need for the grant and that have the highest truancy rates in urban areas, rural areas, and suburban areas, respectively. The bill would require the grants to be awarded for 3 years and to be used to address attendance problems of pupils in kindergarten and grades 1 to 3, inclusive, pursuant to the plans submitted by the applicant. The bill would provide that each grant awarded be for no more than \$500,000 and would require the applicant to provide a 20% match. The bill would require an applicant receiving a grant to submit a report, containing specified data, to the department at the conclusion of the grant. The bill would require the department to submit a report, on or before January 1, 2021, to the respective appropriations committees and education committees of the Assembly and the Senate, and would require this report to include a recommendation on whether the grant program should continue. The bill would provide that the above provisions shall not be implemented unless there is an appropriation in the annual Budget Act or another statute, as provided. These provisions would be repealed on January 1, 2022.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) The Safe Neighborhoods and Schools Act, approved as*
- 4 *Proposition 47 by the voters at the November 4, 2014, statewide*
- 5 *general election (the act), made significant changes to the state's*
- 6 *criminal justice system by reducing the penalties for certain*
- 7 *nonviolent, nonserious drug and property crimes. The act requires*
- 8 *the state savings realized from these criminal justice changes to*
- 9 *be deposited in the Safe Neighborhoods and Schools Fund and*
- 10 *spent on prevention and support services with the intent of reducing*
- 11 *crime, including truancy and dropout prevention.*
- 12 *(b) The act requires 25 percent of the moneys deposited in the*
- 13 *Safe Neighborhoods and Schools Fund to be allocated to the State*
- 14 *Department of Education for administration of a grant program*

1 *to reduce truancy and support pupils who are at risk of dropping*
2 *out of school or who are victims of crime.*

3 *(c) In accordance with the act, the funding provided to K–12*
4 *education should be used to help build the capacity of local*
5 *educational agencies to identify and implement evidence-based,*
6 *nonpunitive programs and practices to keep our most vulnerable*
7 *pupils in school, consistent with each local educational agency’s*
8 *local control and accountability plan, including, but not limited*
9 *to, its goals for pupil engagement and school climate.*

10 *(d) California needs to increase the knowledge base concerning*
11 *which strategies are most effective for improving pupil success*
12 *and eliminating the school-to-prison pipeline. One manner in*
13 *which this can be accomplished is for the local educational*
14 *agencies participating in the K–12 education grant program*
15 *pursuant to the act to report and evaluate outcomes using multiple*
16 *measures, while engaging in a broader community of practice that*
17 *disseminates promising and proven strategies to local educational*
18 *agencies statewide.*

19 *SEC. 2. Article 10 (commencing with Section 33430) is added*
20 *to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education*
21 *Code, to read:*

22
23 *Article 10. The Learning Communities for School Success*
24 *Program*
25

26 *33430. The Learning Communities for School Success Program*
27 *is hereby established for the purpose of implementing, pursuant*
28 *to paragraph (1) of subdivision (a) of Section 7599.2 of the*
29 *Government Code, the K–12 education portion of the Safe*
30 *Neighborhoods and Schools Act, as approved as Proposition 47*
31 *by the voters at the November 4, 2014, statewide general election.*
32 *Through this program, the department shall administer grants and*
33 *coordinate assistance to local educational agencies to support the*
34 *local educational agencies in identifying and implementing*
35 *evidence-based, nonpunitive programs and practices that are*
36 *aligned with the goals for pupils contained in each of the local*
37 *educational agency’s local control and accountability plan*
38 *pursuant to Section 47606.5, 52060, or 52066, as applicable.*

39 *33431. (a) A local educational agency that chooses to apply*
40 *for funding pursuant to this article shall submit an application to*

1 *the department to receive a grant, in a format and by a date*
2 *determined by the department. An application submitted to the*
3 *department by a local educational agency shall include, at a*
4 *minimum, all of the following:*

5 *(1) Information about the pupil and school needs within the*
6 *local educational agency.*

7 *(2) The activities the local educational agency will undertake*
8 *with the grant funding.*

9 *(3) How the activities specified in paragraph (2) support the*
10 *local educational agency's goals for pupils contained in its local*
11 *control and accountability plan.*

12 *(4) How the local educational agency will measure outcomes*
13 *associated with the activities specified in subdivision (e) and*
14 *metrics reported in the local educational agency's local control*
15 *and accountability plan.*

16 *(b) An application shall be for three years of grant funding.*
17 *Consistent with the provisions of this article, the department may*
18 *establish requirements for grantees to meet at the end of the first*
19 *and second years of funding in order to receive funding for the*
20 *remaining grant period.*

21 *(c) The department shall determine eligibility for grants and*
22 *the distribution of grant funding based on all of the following*
23 *factors:*

24 *(1) Pupil and school needs the local educational agency will*
25 *address with the grant funds.*

26 *(2) Number of pupils to be served with the grant funds.*

27 *(3) Number, size, and type of participating schools within the*
28 *local educational agency.*

29 *(4) Any challenges the local educational agency experiences in*
30 *building capacity for fulfilling the purposes of this article.*

31 *(5) The unique characteristics of small school districts, given*
32 *their challenges with economies of scale and access to services in*
33 *rural locations.*

34 *(d) (1) Before the initial application deadline, the department*
35 *shall conduct targeted outreach to local educational agencies that*
36 *are likely to be given priority pursuant to subdivision (b) of Section*
37 *33432 and shall offer the local educational agencies technical*
38 *assistance as they develop their grant applications.*

39 *(2) The department may provide technical assistance with*
40 *application development to any local educational agency that*

1 *requests assistance. This may include assistance from external*
2 *entities the department may contract with as part of the training*
3 *and technical assistance structure established pursuant to Section*
4 *33433.*

5 *(e) The department shall issue application guidelines that*
6 *include, at a minimum, information on the outcome metrics the*
7 *department will use to evaluate the program. When determining*
8 *outcome metrics, the department shall consider metrics currently*
9 *being collected and used by existing federal, state, or local*
10 *programs. Consistent with the objective of the Safe Neighborhoods*
11 *and Schools Act to reduce crime, including truancy and dropout*
12 *prevention, the department shall consider using metrics for pupil*
13 *truancy and school dropout, among others.*

14 *(f) In meeting the requirements of this section, the department*
15 *shall consult with stakeholders, including, but not limited to,*
16 *representatives of local educational agencies, teachers and other*
17 *school personnel, parents, advocacy organizations with experience*
18 *working with target vulnerable populations, and parent- and*
19 *youth-serving community-based organizations. It the intent of the*
20 *Legislature that stakeholders provide input to the department on*
21 *the design of the application and review process, including the*
22 *size of the grant awards. The stakeholders shall not be involved*
23 *in determining who will be awarded grants.*

24 *33432. (a) A local educational agency that receives a grant*
25 *shall use the grant funds for planning, implementation, and*
26 *evaluation of activities in support of evidence-based, nonpunitive*
27 *programs and practices to keep the state's most vulnerable pupils*
28 *in school, consistent with the local educational agency's goals for*
29 *the pupil engagement and school climate state priorities as*
30 *identified in its local control and accountability plan pursuant to*
31 *Section 47606.5, 52060, or 52066, as applicable. These activities*
32 *may include, but are not limited to, all of the following:*

33 *(1) Establishing a community school, as defined in Section*
34 *33435.*

35 *(2) Implementing activities or programs to improve attendance*
36 *and reduce chronic absenteeism, including, but not limited to,*
37 *early warning systems or early intervention programs.*

38 *(3) Implementing restorative practices, restorative justice*
39 *models, or other programs to improve retention rates, reduce*

1 *suspensions and other school removals, and reduce the referral*
2 *of pupils to law enforcement agencies.*

3 *(4) Implementing activities that advance social-emotional*
4 *learning, positive behavior interventions and supports, culturally*
5 *responsive practices, and trauma-informed strategies.*

6 *(5) Establishing partnerships with community-based*
7 *organizations or other relevant entities to support the*
8 *implementation of evidence-based, nonpunitive approaches to*
9 *further the goals of the program.*

10 *(b) In selecting grant recipients pursuant to this article, the*
11 *department shall give priority to a local educational agency that*
12 *meets any of the following criteria:*

13 *(1) (A) Has a high rate of chronic absenteeism, out-of-school*
14 *suspension, or school dropout for the general pupil population or*
15 *for a numerically significant pupil subgroup, as identified in a*
16 *local control and accountability plan pursuant to paragraphs (2)*
17 *and (3) of subdivision (a) of Section 52052.*

18 *(B) For purposes of this paragraph, "high rate" means a rate*
19 *that exceeds the state average.*

20 *(2) Is located in a community with a high crime rate.*

21 *(3) Has a significant representation of foster youth among its*
22 *pupil enrollment.*

23 *(c) A local educational agency that receives a grant shall*
24 *provide a local contribution of matching expenditures equal to at*
25 *least 20 percent of the total grant award. This local contribution*
26 *can be from cash expenditures or in-kind contributions. A local*
27 *educational agency is encouraged to exceed the 20-percent match*
28 *requirement to enable the local educational agency to sustain the*
29 *activities or programs established under this article beyond the*
30 *three-year grant period.*

31 *(d) A local educational agency that receives a grant shall use*
32 *the grant funds to supplement and not supplant the existing*
33 *resources the local educational agency currently allocates for*
34 *purposes specified in this article.*

35 *(e) A local educational agency shall not use grant funds to pay*
36 *for law enforcement activities, including personnel or equipment.*

37 *33433. (a) The department shall use the funding the Safe*
38 *Neighborhoods and Schools Act authorizes for administrative costs*
39 *pursuant to subdivision (b) of Section 7599.2 of the Government*
40 *Code, which is no more than 5 percent of the annual funding the*

1 department receives from the Safe Neighborhoods and Schools
2 Fund, for the administrative costs of implementing this article,
3 including, but not limited to, administering grant awards,
4 coordinating the training and technical assistance structure
5 described in subdivision (b), and completing the evaluation
6 pursuant to Section 33434.

7 (b) The department shall establish a structure to deliver training
8 and technical assistance to grantees using regional workshops
9 and technical assistance providers that have expertise on pupil
10 engagement, school climate, truancy reduction, and supporting
11 pupils who are at risk of dropping out of school or who are victims
12 of crime. The department may contract with those providers to
13 assist the grantees as well as to serve as a resource for other local
14 educational agencies that may use their own funding sources to
15 engage in this community of practice.

16 33434. (a) A local educational agency that receives grant
17 funding pursuant to this article shall evaluate and report to the
18 governing board of the school district, the county board of
19 education, or its chartering authority, as applicable, and the
20 department the results of the activities it undertakes pursuant to
21 this article. The department shall compile information from grantee
22 reports as part of an overall evaluation of the grant program
23 implementation. The department shall assess the benefits of
24 participation in the program and identify the pupil and school
25 outcomes associated with the strategies and programs implemented
26 by grantees. The department shall submit an interim report of
27 preliminary evaluation findings to the Legislature on or before
28 January 31, 2019, and a final evaluation report to the Legislature
29 on or before January 31, 2020.

30 (b) (1) A report to be submitted pursuant to subdivision (a)
31 shall be submitted in compliance with Section 9795 of the
32 Government Code.

33 (2) Pursuant to Section 10231.5 of the Government Code, this
34 section is repealed on January 31, 2024.

35 33435. For purposes of this article, the following definitions
36 apply:

37 (a) “Community school” means a public school that participates
38 in a community-based effort to coordinate and integrate
39 educational, developmental, family, health, and other
40 comprehensive services through community-based organizations

1 *and public and private partnerships with one or more community*
2 *partners for the delivery of community services that may be*
3 *provided at a schoolsite to pupils, families, and community*
4 *members.*

5 (b) *“Local educational agency” means a school district, county*
6 *office of education, or charter school.*

7 33436. *This article shall not become operative unless funds*
8 *are appropriated in the annual Budget Act or another statute to*
9 *the Safe Neighborhoods and Schools Fund in accordance with the*
10 *Safe Neighborhoods and Schools Act for the purposes specified*
11 *in this article.*

12 SEC. 3. *Sections 1 and 2 of this act shall become operative*
13 *only if Senate Bill No. 527 of the 2015–16 Regular Session is*
14 *chaptered and becomes operative on or before January 1, 2017.*

15 SECTION 1. ~~The Legislature finds and declares all of the~~
16 ~~following:~~

17 (a) ~~Only 17 percent of chronically absent kindergartners and~~
18 ~~first graders in California read proficiently by grade 3 and pupils~~
19 ~~who do not read proficiently by grade 3 are four times more likely~~
20 ~~to drop out of school. Children who drop out of school cost the~~
21 ~~state more than \$46 billion each year, including more than \$1~~
22 ~~billion in juvenile crime costs alone.~~

23 (b) ~~Ninety percent of elementary school pupils with severe~~
24 ~~attendance problems, missing 36 or more days in the school year,~~
25 ~~are estimated to be from low-income families.~~

26 (c) ~~In the 2013–14 school year, 250,000 elementary school~~
27 ~~pupils and 1 in 10 pupils from low-income families were~~
28 ~~chronically absent, missing 10 percent or more of the school year.~~

29 (d) ~~In the 2013–14 school year, African American elementary~~
30 ~~school pupils were the highest subgroup, including homeless pupils,~~
31 ~~to be truant and these pupils are chronically truant at four times~~
32 ~~the rate of all other pupils.~~

33 (e) ~~In the 2012–13 school year, one in five, or 744,085,~~
34 ~~elementary school pupils were truant, an increase of 1.2 percent~~
35 ~~from the 2011–12 school year.~~

36 (f) ~~In the 2010–11 school year, California schools lost \$1.4~~
37 ~~billion in average daily attendance funding due to pupil absences~~
38 ~~and California school districts have lost over \$3.5 billion between~~
39 ~~the 2010–11 and 2013–14 school years.~~

40 SEC. 2. ~~Section 48270 is added to the Education Code, to read:~~

1 ~~48270. (a) Our Children's Success—The Early Intervention~~
2 ~~Attendance Pilot Grant Program is hereby established under the~~
3 ~~administration of the department. This grant program is established~~
4 ~~for the purpose of helping public schools resolve the attendance~~
5 ~~problems of pupils in kindergarten and grades 1 to 3, inclusive.~~

6 ~~(b) A public school, school district, or county office of education~~
7 ~~maintaining kindergarten or any of grades 1 to 3, inclusive, seeking~~
8 ~~to participate in the grant program established by this section may~~
9 ~~apply to the department for a grant pursuant to this section. An~~
10 ~~application submitted by a public school, school district, or county~~
11 ~~office of education to the department under this subdivision may~~
12 ~~reflect a plan that includes, but is not necessarily limited to, all of~~
13 ~~the following components:~~

14 ~~(1) Establishment of a training program for key school officials~~
15 ~~and attendance staff to identify pupils with chronic attendance~~
16 ~~problems upon their second occurrence of tardiness or absence in~~
17 ~~a school year, and the mailing of attendance letters to the pupil's~~
18 ~~home in a timely manner.~~

19 ~~(2) Establishment of a phone call outreach program, including~~
20 ~~a minimum of two calls from a school official, not limited to a~~
21 ~~recording, to follow up on those pupils whose attendance problems~~
22 ~~continue during that school year after the attendance letters are~~
23 ~~mailed.~~

24 ~~(3) Establishment of a parent advocate position or positions,~~
25 ~~designated for ongoing followup with the pupil and the parent~~
26 ~~throughout the school year to ensure the pupil's continued~~
27 ~~consistent school attendance. The number of these parent advocate~~
28 ~~positions may vary according to the school's needs, resources, and~~
29 ~~the parent advocate's ability to manage the workload.~~

30 ~~(4) Establishment of an outreach worker position or positions~~
31 ~~whose primary job is assisting families with a child or children~~
32 ~~who have ongoing chronic attendance problems. The duties of an~~
33 ~~outreach worker include sending letters, making phone calls and~~
34 ~~home visits, and helping to connect the family to the appropriate~~
35 ~~local, state, or federal programs in order to resolve issues that are~~
36 ~~creating impediments to the child's consistent attendance in school.~~
37 ~~The number of these outreach worker positions can vary according~~
38 ~~to the applicant's needs, resources, and the outreach worker's~~
39 ~~ability to manage the workload.~~

1 ~~(5) Determining that the applicant's plan is instituted, to the~~
2 ~~best of the applicant's ability, before a pupil enters the school~~
3 ~~attendance review board process.~~

4 ~~(6) Establishment of a plan for teacher followup with pupils~~
5 ~~with chronic attendance problems to make up for lost instructional~~
6 ~~time.~~

7 ~~(7) Establishment of a plan to track both longitudinal, pupil~~
8 ~~level pupil attendance and aggregate data on tardiness and~~
9 ~~attendance throughout the school year to determine whether~~
10 ~~improvement has been made.~~

11 ~~(8) Establishment of a plan to assess trends in attendance and~~
12 ~~chronic absence rates among pupils who are English learners,~~
13 ~~eligible for a free or reduced-price meal, or are foster youth, as~~
14 ~~those terms are defined in Section 42238.01, and target resources~~
15 ~~towards those groups of pupils who are most at risk for ongoing~~
16 ~~attendance problems.~~

17 ~~(9) (A) Submission of deidentified, aggregate data on chronic~~
18 ~~absence and attendance rates to the Bureau of Children's Justice~~
19 ~~within the Department of Justice for inclusion in the report "In~~
20 ~~School + On Track" prepared by the Office of the Attorney~~
21 ~~General.~~

22 ~~(B) For purposes of this paragraph, "deidentified" means~~
23 ~~information that cannot be used to identify an individual pupil.~~

24 ~~(c) The applicant shall include an estimate for the amount of~~
25 ~~the grant needed in the application and shall be required to provide~~
26 ~~20 percent matching funds for any amount requested to encourage~~
27 ~~applicants to apply for less than the maximum grant amount~~
28 ~~specified in paragraph (2) of subdivision (f).~~

29 ~~(d) The grant program established by this section shall not be~~
30 ~~construed as a replacement of, or a substitution for, the school~~
31 ~~attendance review board process as described in this article.~~

32 ~~(e) (1) The department shall award grants under this section~~
33 ~~based on the selection criteria in paragraph (2).~~

34 ~~(2) The department shall give priority to those applicants who~~
35 ~~demonstrate financial need for the grant and with the highest~~
36 ~~truancy rates in each of the following areas:~~

37 ~~(A) Urban areas.~~

38 ~~(B) Rural areas.~~

39 ~~(C) Suburban areas.~~

~~(f) (1) Grants under this section shall be awarded for three years, and shall be used to address the attendance problems of pupils in kindergarten and in grades 1 to 3, inclusive, pursuant to the plans submitted by the applicant under subdivision (b).~~

~~(2) Each grant awarded pursuant to this section shall be for no more than five hundred thousand dollars (\$500,000).~~

~~(3) The department shall provide no less than 10 grants.~~

~~(4) The department shall award no more than five million dollars (\$5,000,000) in total grant moneys.~~

~~(g) An applicant that receives a grant under this section shall submit a report to the department at the conclusion of the grant. This report shall specify how the grant funds were used and the strategies employed to address pupil attendance problems. The report shall also include pupil attendance data measured both before and after the implementation of the grant.~~

~~(h) On or before January 1, 2021, the department shall submit a report to the respective committees on appropriations and committees on education of the Assembly and the Senate. This report shall evaluate the strategies and the attendance data of the applicants that received funds from the grant program established under this section. The report shall include, but not necessarily be limited to, a recommendation on whether the grant program should continue.~~

~~(i) This section shall not be implemented unless there is an appropriation in the annual Budget Act or another statute for these purposes. Notwithstanding any other law, funding for this program shall not be from savings identified pursuant to the Safe Neighborhoods and Schools Act, approved as Proposition 47 by the voters at the November 4, 2014, statewide general election.~~

~~(j) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.~~